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A TRUE
ACCOUNT

Of the late

Mr. COBDEN of *Haslemere's* Will.

Written in November 1748.

WILLIAM COBDEN, the Father of the Person whose Will I am speaking of, was, by Extraction, a Gentleman, being descended from the antient Family of the *Cobdens*, of *West-Dean* in *Suffex*, where his Ancestors have been possess'd of a considerable Estate for many Centuries, as Tradition goes, from *William the Conqueror*. He was apprenticed to a Tanner at *Midhurst*: Not long after he was freed from his Master, he married *Mrs. Catherine Juer*, of the same Place; removed to *Haslemere* in *Surry*, where he set up his Trade, purchased a House and Land, and continued the Remainder of his Days: He lived in good Credit and Reputation: He might be said, in his way of Life, to be in good Circumstances: His Stock was disencumbered; which, as he had Two Tan-Yards, could not be judged at less Value than One thousand Pounds; what he



he had in Land, Houses, and ready Money, we may suppose might be equal to it; Two thousand Pounds, I am persuaded, was the least of what he might be worth. He had Two Sons, *William* and *Edward*. The Mother died in Child-bed with the younger, leaving a fair Character behind her. He some time after married a very pious and religious Woman, suitable to him in Fortune and all other Respects, who having no Issue, proved an exceeding good Mother-in-Law. I have heard *Edward*, whom she loved as a natural Parent, enlarge much in her Commendation, and speak of her with great Affection and Tenderness, as he had sufficient Reason. The Father departed this Life, *May 1, 1722*, leaving his Two Sons, all his Issue, a rare Felicity at the Age of 70, in full Health and Strength, and in a fair way of thriving in the World. As *William* was his eldest Son, bred up to his own Business, and lived constantly with him, he made him Heir to all his Houses, Lands, and Personal Estate, bequeathing only a Legacy of 200*l.* to *Edward*.

(a) *Edward*, the younger, was bred a Scholar; at the Age of 12 or 13 sent to *Winchester College*; in a little time placed upon that Foundation, not inferior to any in Piety and Learning, where he continued till he was superannuate, according to the Custom of that Place, at 19. There being a great Number of Superannuates

(a) The present Archdeacon of *London*.

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that Year, and he destitute of a Patron, he was not much disappointed in not succeeding to *New College*. He was then entered a Commoner in *Trinity College* in *Oxford*, one of the cheapest and easiest in that University: For I have heard him say, his Expences did not exceed 40*l.* *per Annum*, and that he never desired a greater Allowance.

The Father, at his Death, left *William* his Heir, as we have already mentioned, bequeathing, by his Will, a Legacy of 200*l.* to his younger Son. *William* often acknowledged to his Brother that there was such a Will, and such a Legacy left to him; but it does not appear he ever proved the Will at any Office, nor did he ever pay One Penny of the Legacy. When the Brother pressed him to the Payment of it, he absolutely refused it, and told him, he had received his Inheritance in his Education. The Brother perceiving, if he compelled him to it, it would greatly exasperate him, chose rather to acquiesce under the Loss, than make a public Breach between them. The Executrix, his Widow, now says, there is no such Will to be found: But, if there be no Will, the Brother is undoubtedly entitled to a Moiety of the Father's Personal Estate when he died.

The Mother-in-Law died *November 10, 1723*, above a Year after the Death of her Husband; and, by a Will which she made in her Lifetime (which she was authorized to do by the

Marriage-Articles), she left *Edward* joint Executor with his Brother to some little Farms she was possessed of, to the Value of near 18*l.* *per Annum*, with a Legacy of 80*l.* *William* took Possession of all, concealed the Will and the Trust from his Brother, only paid him the 80*l.* and told him that was all he was entitled to. *William* received the Income of it all his Life, sold several Hundred Pounds-worth of Timber which grew thereon, without accounting one Farthing to *Edward*, who, kept in Ignorance of the Will, took his Brother's Word for the Contents, and never gave himself any further Trouble.

William undoubtedly intended, while he retained his Senses, to make his Brother his Heir, and leave him something considerable at last; otherwise one must conceive a shocking Opinion of him, who could not but be conscious to himself how much he had injured his Brother in the two Articles of his Father's and Mother's Will, if he had no Thought of doing Justice, and making him some Amends in the End.

But, whatever reasonable Expectations *Edward* might have of being repaid at last, whatever just Intentions of a future Restitution *William* might entertain, they were all defeated by *William's* marrying a shrewd, notable Woman, who, with a specious Shew of Sanctity, considered the Value of Money, was acquainted with all the Arts, and scrupled no Difficulties to attain

attain it ; who had wheedled one old Man before to the Improvement of her Fortune, and came now to a second Conquest, with all her Engines of War ready, either to undermine or storm a Person, who was, in the main, of a good-natured yielding Temper in all other Things but where his Pocket was concerned ; and whose only Fault, I am persuaded, was his Covetousness. As they were both pretty far advanced in Years, and both of a penurious Temper, it is not unlikely but they came together with a Prospect of making the most of each other. As to her Part, though the Marriage-Articles are a Secret to me, I am pretty well assured she secured all her own Fortune, with an ample Settlement for Life, of what Estate was in his Power, before the nuptial Ceremony was performed : But as an Agreement in such a sordid Principle is not like to produce any great Harmony in the matrimonial State, unless where the Bed is attended with Fruitfulness, which is the only Cement in such Cases ; so when they found there was no Prospect of Issue, and that both drew different Ways for their own private Advantage and their separate Relations, they grew indifferent to each other, though they carried it with Decency enough before Strangers. Her Husband firmly maintained his Ground for some time, would not give way to her Arts and Importunities while his Health continued, and he enjoyed the Use of his Understanding : But it pleased God, four or

five Years before his Death, that he was suddenly affected with a paralytic Stroke, which at once weakened his Body and impaired his Mind; yet he was not so disabled as to be rendered quite incapable of Business, or yet to yield to her encroaching Desires. His Disorder still gaining ground upon him, some time after he was not fit to be trusted without a Guide; and, when he went out alone, would frequently fall down in the Streets, an unhappy Spectacle to those about him. The Physicians advised him to travel to *Bath*; which, though probably the most likely Method to relieve him, appeared to him so expensive a Scheme, that he had no Heart to undertake it. It was then judged necessary that a Blister should be applied to his Head: This he submitted to; but, whether by an unskilful Management in the Application, or for Want of observing strictly the Orders of the Physician, I know not, but after this he so visibly and suddenly declined, that he grew unfit for every other Business in Life, except the making a very intricate and important Will. His Wife undertook the Management of his Business in the Yard, and a Draper, that lived just by, took care of his Letters and Accounts, for he was incapable of either; and he sunk more and more in his Strength and Understanding, till the Season of his implicit Compliance to the Dictates of his Governess came, and he was no more under his own Direction than a Child. About half a Year

Year after this, the first Opportunity was not neglected for the Execution of this extraordinary Will: And he, who could not pay Ten Shillings without being imposed on, which was a Complaint she herself would frequently make at that Time, was thought capable of disposing of several Thousand Pounds. By this Will the Widow is not only to enjoy all his Estate for her Life, (except the Land of the Mother-in-Law, of which some Account has been given before), but all his Ready-Money and Personal Stock is immediately given to her, and several Purchases he made himself are intirely in her Disposal. But it does not stop here. There was a little Farm, which goes by the Name of *Old Haslemere*, which the Father purchased soon after he came into these Parts, which he enjoyed for his Life, and transmitted to his son *William*, who enjoyed it likewise for his Term of Years. This little Patrimony, which reminds me too much of *Naboth's Vineyard*, one would have thought, might have escaped her rapacious Hands, and *Edward* might have succeeded to it as the Inheritance of his Father: But even this is left intirely in her Power, and taken from his own Family for Ever.

But the most iniquitous Article is yet behind: I think it may be stiled A Master-Piece of Craft, and what *Wreatbuck* and all that Class could hardly exceed. The Plot is somewhat intricate and mysterious, too much so for a Per-

son at the lowest Ebb of Reason, and what we may be confident he did not and could not comprehend. I shall endeavour to unravel it as well as I can. About seven or eight Years ago there was an Estate called the *Half-Moon*, at *Haslemere*, valued at 58 *l. per Annum*, to be sold. *William* sent his Brother Word of it, assuring him it was well worth the Money, and desiring him to purchase it. *Edward* had no Inclination to purchase any thing at such a Distance as should be beyond his Care: However, willing to gratify his Brother as far as he could, because he thought it might give him more Credit and Interest in the Town, replied, that he could not conveniently purchase the Whole; but, if he desired it, he would go Halves, and be a joint Purchaser with him, provided he had nothing to do in the Care and Management of it. The Condition was accepted, and the Purchase made; and 728 *l.* of *Edward's* Money, which was his Moiety, was transmitted to his Brother. *William* takes Possession, and puts in a Tenant. The Repairs of the Buildings devoured most Part of the Rent for some Years. The Tenant, in two or three Years, having pillaged and impoverished the Land, leaves it; and no one could easily be procured to succeed him. About a third Part of the Value was now sunk; and 32 *l. per Annum* was the utmost that was offered for the Land. When the Wife saw Things in this declining Condition, and the critical Time was

was come that she could induce her Husband to comply in every Thing with her Dictates, by the Assistance of an Attorney there (for, I am satisfied, the Scheme was too intricate for her Contrivance), she persuades her Husband to leave the whole Purchase, as a Legacy, to *Edward*, charged with a Mortgage of 500*l.* to be paid to her; by which means he has the Encumbrance of it upon him, which he desired to avoid, and will be a Loser about 400*l.* in a Purchase which he concurred in purely to gratify his Brother. *Edward* was himself inclined not to accept of the Legacy, and intirely to reject the Will, and have nothing to do with it: But, to avoid all Disputes and Difficulties, he was advised to get a Purchaser for it, and so clear his Hands of it as soon as he could, that he might have no Dealings with a Woman who had so grossly imposed upon him. As Heir at Law he is impowered to sell the Estate, if the Will should not stand; and, if the Will should be allowed, he is intitled to it by that. A Purchaser was found, and it was agreed to be sold for 1000*l.* the most that could be got for it. The Writings were sent for, which were in her Hands, and Enquiry was made of what was due upon the Mortgage: When lo! a Demand is made of the Interest of the 500*l.* not only since *William's* Death, but for the Time he was in Possession of it, and all the Stock and Personal Estate which he left behind him, is par-

particularly exempted by the Will from the Payment of it, that no Demand may be made upon her, as Executrix, for it. So cautiously had she fenced against Justice. This Article was so mysterious a Stratagem, that *William* could hardly have comprehended it, had his Judgment been at best, much less in that obscure Twilight of his Understanding; and so injurious to his only Brother, who had complied with him in every Instance, that it cannot be supposed he would have consented to it, had he known what he did. Had *Edward* at first seen to the Bottom of it, and that such a Length of Arrears was saddled upon him, he would have rejected the whole Will with Indignation. I believe we may appeal to the Judgment of every Man of common Sense and common Honesty concerning it. It appears, indeed, such a Mill-stone about the Neck of the Will, as is enough to sink it for ever. Had he bequeathed *Edward* the 728*l.* which was his Moiety in the Purchase, and given all he could besides from him, and not involved him in any Concern with his charming Wife, it would have been infinitely more to his Satisfaction, and he would hardly have given himself a Thought about it. But to compel him into such Difficulties against his Will, so much to his Detriment—Colours are wanting to set it out in its true Light. Tho^a the Testator might be capable of subscribing it, yet there are several Reasons to believe he did not

not understand the Will, unless we suppose him peculiarly enlightened for that Purpose; for he was known, long before, to have neither Memory nor Judgment. It was executed with the Privy only of her own Domestics, who were wholly under her Influence.

One would be apt to suppose there must have been some Misunderstanding between the Brothers, and that *Edward* had given *William* some Offence, which should occasion this injurious Will: So far from it, that if *William* had a Kindness and Affection for any Person, it certainly was for his Brother.

The Wife had a young Woman with her, called *Sally Hebden*, her Niece and God-Daughter, whom she had taken into the House for Company, and to be assisting to her in the Family. Concerning this Girl, there were perpetual Disputes between them. The Husband, thinking her an unnecessary Charge and Encumbrance, was for packing her away directly to her Friends in *Suffex*, from whence she came. The Wife applied to *Edward*, who, to make Matters easy, used his Interest with his Brother to retain her. He told him, the Girl (as indeed he thought she behaved very well, with much Good-nature and Modesty) was of Service and Comfort to his Wife; that her Keeping was but a Trifle in the Family; and that it was somewhat hard not to indulge her in so small and reasonable a Request. *Edward's* Arguments

guments prevailed with his Brother, and she continued there some Years, I think to the Day of his Death.

But to return. The Winter after the Will was made, which was *October* 19, 1745, *Edward* accidentally got some Intelligence of it; and suspecting, by the private Manner in which it was transacted, there might be some unfair Management, resolved in the Summer to ride to *Hasslemere*, and make some Enquiry. When he was there, having got a proper Opportunity, he asked his Brother for the Will, who said he should see it. The Wife, in whose Custody it was, was called for that purpose; who, at first, said it should be produced, but, afterwards, absolutely refused: Fearful, perhaps, lest something should be explained to her Husband to which he was a Stranger. However, she assured *Edward* he was his Heir, and had no Injustice done him. The Husband, accustomed to say after her, repeated the Expression—that he had no Injustice done him: From whence it is evident he did not know the Contents of his own Will; nor was he capable of it. Can it be affirmed, with Truth, that *Edward* had no Injustice done him by such a Will? Those who are conscious of their own Sincerity, are not apt to suspect that of others, till they suffer for their Candor by Experience.

Although there is no setting Bounds to a voracious Appetite, not imagining how far a greedy

greedy Desire of Riches will carry People when there is a Prospect of Impunity, yet I can hardly think she would have proceeded such a Length; nay, she would have been at some Loss how to have contrived such a Scheme, had it not been for an Attorney in the Place, who, *with an aukward Leer and an Idiot Laugh*, is acquainted with all the Subtleties and tricking Part of the Law, and how much Mischief may be done under the Shelter of it; which, as in all other Trades, requires no great Talents, and is a Knowledge much easier and more frequently attained, than that of an honest, skilful, and understanding Man in his Business. This Attorney *Edward* was related to, had an intimate Friendship with his Father and Mother (who had a fair Character), had always treated the Attorney himself with the utmost Civility, and was really ready to do him all the Service in his Power. If it be enquired how this Person came to be instrumental in framing a Will so prejudicial to *Edward*: He had his Reasons. In the first place, there is a Legacy left him in the Will. In the next, the resistless Charms of *Sally Hebdon*, whom we mentioned before, had so entered and inflamed his Heart, that he could not think of living without her. By his undertaking and executing this Contrivance of the Will, he thought he should engage the Interest of the Aunt for the Match, and, at the same time, encrease *Sally's* Fortune. The Stratagem

tagem succeeded. By this double Battery, I hear, the Girl is brought to a Surrender, and the Marriage is, in a little time, to be concluded : And, I question not, but *Old Haslemere*, which lies mighty convenient for him, is one of the matrimonial Articles. Whether this Conjecture prove true or not, there is no doubt but her Dowry will be considerably augmented by it. When he was pushed on by the World and the Flesh, it is no wonder that the Ties of Kindred and Friendship, of H — and J —, were too weak to restrain him.

Though no Notice was given to *Edward* at the making of the Will, yet that a Ceremony, which signified nothing after all was secured, might not be neglected, she sent him Word of his Brother's Death, inviting him and his Wife to the Funeral ; which was a Compliment he would gladly have excused, and she had better have omitted, as there was no Mourning given them, or so much as a Ring or a Scarf provided for them. After the Funeral, the Will was produced, and read before several Relations ; at the Close of which she told *Edward* how desirous she was to live in an amicable Correspondence with him : As much as to say, Brother, you see I have deprived you of the Estate, and done you all the Mischief in my Power, and now let us be exceeding good Friends.

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I had no other Design in this plain Narrative, which is grown insensibly to a greater Length than was at first intended, than to set this Affair of the Will, and the Contrivers of it, in as clear a Light as possible; and as I have related nothing but what I had a certain Knowledge of, so I am not conscious that I have deviated in the least from Truth in any Particular.

It would give me a particular Satisfaction if what I have here written should, in any measure, contribute to these two desirable Ends:

First, If it should discourage others hereafter from Testamentary Frauds, to which they may be tempted by the Hopes of Concealment and Impunity: For though they should contrive Matters so as to evade the Law, which may be easily supposed in a Case of this Nature, where Evidence is selected at pleasure, who shall be ready to depose according to Direction; yet it may be some Check upon them to find, by this, that their Iniquities may be brought to Light, and their Persons exposed to public Shame and Contempt; especially if they consider likewise, that there is an All-seeing God, who is privy to all their fraudulent Designs, and will, hereafter, bring them into Judgment for them.

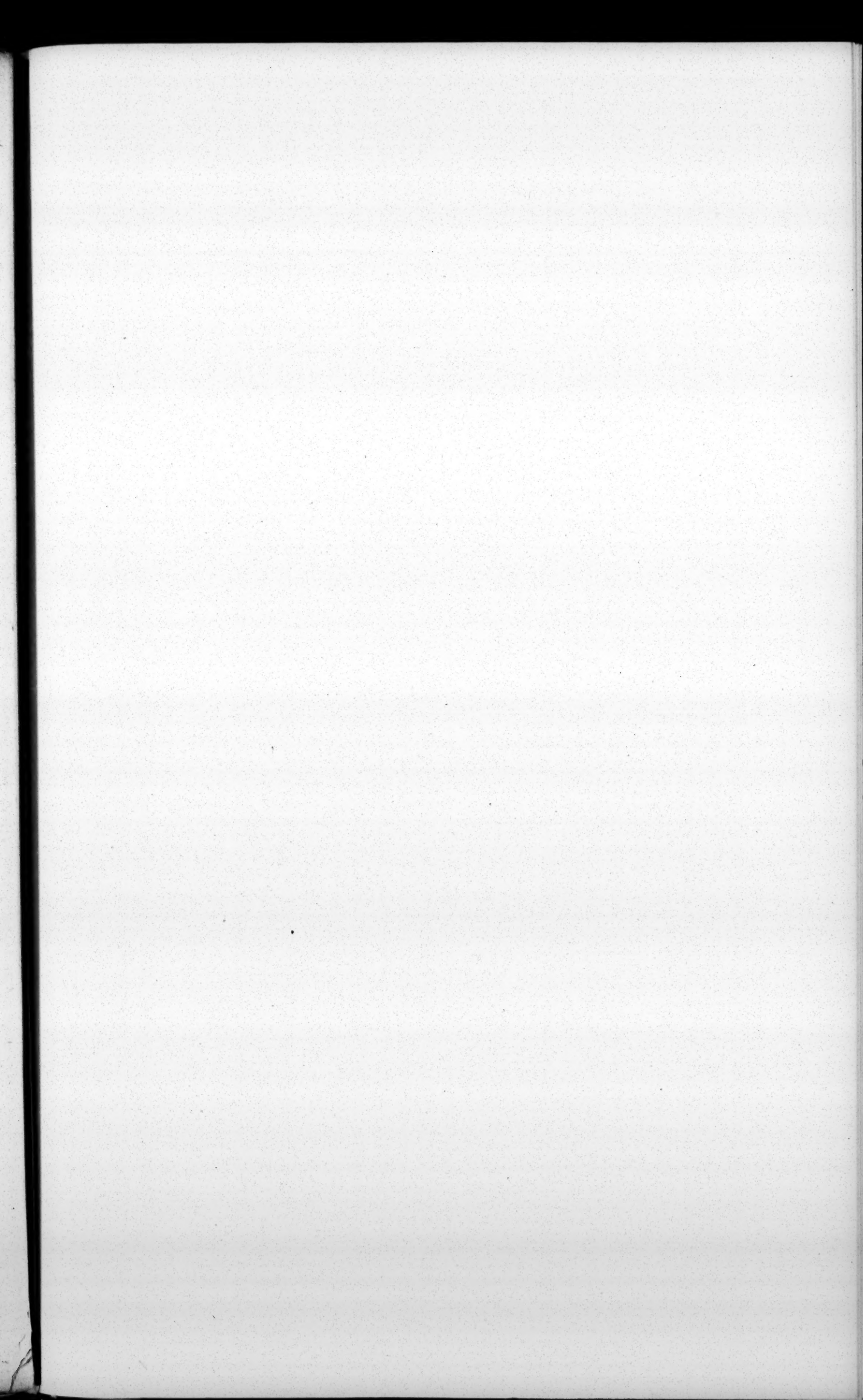
Secondly, If it should excite those who were concerned in this unrighteous Will, to reflect on the Injuries they have committed, and, by that means, lead them to true Repentance: Though it must be acknowledged, that there

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can be no Repentance without Restitution; and Restitution is so hard a Lesson, that very few People can be persuaded to learn it. The way to learn it is, seriously to consider, that a good Conscience is a happier Treasure than a great Estate procured by Fraud and Falshood, and often to reflect on those memorable and affecting Words of *Job*, *What is the Hope of a Hypocrite, though he hath gained, when God taketh away his Soul?*



F I N I S.



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